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actitioner's Docket <u>U 014833-7</u>

IPW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Toshiyuki MIYABAYASHI Serial No.: 10/675,865 Group No.: 1755

Filed: September 30, 2003 Examiner.: Callie E. Shosho

For: MICROENCAPSULATED PIGMENT, PRODUCTION PROCESS THEREFOR, AND AQUEOUS DISPERSION AND INK JET RECORDING INK USING THE PIGMENT

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

TRANSMITTAL

WARNING: Failure to file a complete response in compliance with § 1.135(c) leads to a reduction in patent term adjustment - See § 1.704(c)(7).

1. Transmitted herewith is an amendment for this application.

STATUS

		•							
	2.	The application is qualified as							
		□ a small entity.							
		other than a small entity.							
			NDER 37 C.F.R. 1.8(a) and 1.10*						
		(When using Express Mail, the Express Mail label number is mandatory;							
	Express Mail certification is optional.)								
	I hereby	certify that, on the date shown below, this corre	espondence is being:						
	MAILING								
	Ø	deposited with the United States Postal Service	e in an envelope addressed to the Commissioner for Patents, P. O. Box						
		1450, Alexandria, VA 22313-1450.							
		37 C.F.R. 1.8(a)	37 C.F.R. 1.10*						
	⊠	with sufficient postage as first class mail.	as "Express Mail Post Office to Address" Mailing Label No (mandatory)						
		ТБ	RANSMISSION						
		transmitted by facsimile to the Patent and Trademark Office. to (703) 872-9306							
	Date:	August 14, 2006	Signature						
08/18/2006 M	IGEBREM1 0	0000034 10675865							
01 FC:1253			CLIFFORD J. MASS (type or print/name of person certifying)						
	•	Only the date of filing (\$ 1 6) will be the date i	ised in a patent term adjustment calculation, although the date on any						

Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

- NOTE: See 37 C.F.R. §1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.
- NOTE: 37 C.F.R. § 1.704(b)"... an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."
- 3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

(a) Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity		
	one month	\$ 120.00	\$ 60.00		
	two months	\$ 450.00	\$ 225.00		
\boxtimes	three months	\$ 1,020.00	\$ 510.00		
	four months	\$ 1,590.00	\$ 795.00		
	five months	\$ 2,160.00	\$ 1,080.00		

Fee: \$ 1020

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

herefor of
extension
•

Extension fee due with this request \$ _____

	(b) Applicant believes that no extension of term is required. However, this is a conditional petition being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.								
			, F	EE FOR (CLAIMS				
4.	The	fee for clair	ns (37 C.F.R. 1.	16(b)-(d)) h	as been cal	culated as	show	n below:	
	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY			OTHER THAN A SMALL ENTITY	
		Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	O R	Rate	Addit. Fee
Total	*	Minus	**	=	x \$ 25	\$		x \$ 50=	\$
Indep.	. *	Minus	***	=	x \$ 100	\$		x \$ 200	\$
□Firs Claim		sentation of	Multiple Depen	dent	+ \$180=	\$		+ \$360=	\$
			-		otal it. Fee	\$	O R	Total Addit. Fee	\$
* ** ***	If the If the The	e "Highest No. e "Highest No. "Highest No. P	is less than the entry Previously Paid For" Previously Paid For" (reviously Paid For" (nent or the number of	IN THIS SPA IN THIS SPA Total or Indep	ACE is less that ACE is less that o.) is the highest	n 20, enter " n 3, enter "3	3".	the appropriate b	ox in Col.
WARNI!	VG:	"After find requireme	al rejection or action ent of form which has	(§ 1.113) amei been made.''	ndments may b 37 C.F.R. 1.1	e made canc I 6(a) (emph	eling cl asis ad	laims or complyingded).	g with any
			(comple	te (c) or (d,), as applica	able)			
	(c)	⊠	No additional fe	e for claims	s is required	l.			
				OR					
	(d)		Total additional	fee for clai	ms required	l \$		•	
				FEE PAY	MENT				
5.	Attached is a check in the sum of \$ Charge Account No. 12-0425 the sum of \$ A duplicate of this transmittal is attached.								

FEE DEFICIENCY OR OVERPAYMENT

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. \Bigsi If any additional extension and/or fee is required, charge Account No. 12-0425.

AND/OR

If any additional fee for claims is required, charge Account No. 12-0425

AND/OR

Refund any overpayment to Account No. 12-0425.

SIGNATURE OF PRACTITIONER

CLIFFORD J. MASS

(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry LLP 26 West 61 Street New York, N.Y. 10023

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